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11 *Attorneys for Defendant Ronald Craig Ilg*

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF WASHINGTON

14 UNITED STATES OF AMERICA,

15
16 Plaintiff,

17 vs.
18

19 RONALD CRAIG ILG,

20 Defendant.
21
22
23

Case No. 2:21-cr-00049-WFN

**UNOPPOSED MOTION TO
CONTINUE AND SET INITIAL
PRETRIAL MOTIONS BRIEFING
SCHEDULE**

Pretrial Conference:
February 23, 2022 at 9:00 am

24
25 **MOTION**

26 COMES NOW, Defendant Ronald Craig Ilg, MD (“Dr. Ilg”), by and
27 through his attorneys of record, Carl J. Oreskovich and Andrew M. Wagley of
28 Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C., and hereby
29 submits the following Unopposed Motion to Continue and Set Initial Pretrial
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1 Motions Briefing Schedule. As indicated herein, Dr. Ilg respectfully requests
 2
 3 the Court set a new trial date in September 2022 and continue the associated
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 5 pretrial deadlines as proposed below. This Motion is based upon the following
 6
 7 Memorandum of Law, the accompanying Declaration of Andrew M. Wagley
 8 (“Wagley Decl.”), and the files and records herein.
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10 **MEMORANDUM OF LAW**

11 The Speedy Trial Act provides, in pertinent part, “the trial of a defendant
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 13 charged in an . . . indictment with the commission of an offense shall commence
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 15 within seventy days from the filing date (and making public) of the . . .
 16
 17 indictment.” 18 U.S.C. § 3161(c)(1). Section 3161(h)(7)(A) of the Speedy Trial
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 19 Act allows the Court to grant a continuance when “the ends of justice served by
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 21 taking such action outweigh the best interest of the public and the defendant in a
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 23 speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Congress has specified various
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 25 factors for the Court to determine when analyzing the “ends of justice” for a
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 27 continuance, including in pertinent part:

28 (ii) Whether the case is so unusual or so complex, due to . . . the
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 30 nature of the prosecution, or the existence of novel questions of
 31
 32 fact or law, that it is unreasonable to expect adequate preparation
 for pretrial proceedings or for the trial itself within the time limits
 established by this section.

. . .

1 (iv) Whether the failure to grant such a continuance in a case . . .
2 would deny counsel for the defendant or the attorney for the
3 Government the reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence.

5 18 U.S.C. § 3161(h)(7)(B)(ii), (iv). Whether to grant a continuance rests within
6
7 the sound discretion of the Court. *See id.*

8
9 In the situation at hand, a continuance is warranted based upon the complex
10 nature of this matter and the need for counsel to adequately prepare for trial. *See*
11
12 18 U.S.C. § 3161(h)(7)(B)(ii), (iv). The Court has previously declared this case
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14 complex “based on the voluminous discovery as well as novel types of
15 discovery and issues of law.” (ECF No. 58 at 1.) To date, the Government has
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17 produced nine batches of discovery, including thousands of pages of documents,
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19 two external hard drives, multiple electronic device downloads, and various
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21 media and native files. (Wagley Decl. at ¶ 4.) The Government’s three most
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23 recent productions occurred within the past week. (*Id.*) The Government has
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25 also indicated it will call multiple expert witnesses, including experts for
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27 purposes of blockchain analysis, dark web background, computer forensics, and
28
29 potentially handwriting analysis. (*See id.* at ¶ 5.) Moreover, the Government
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31 filed a Superseding Indictment on February 1, 2022, containing six new felony
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charges against Dr. Ilg. (*See* ECF No. 80.)

Counsel for the Defendant and Assistant United States Attorney Richard Barker have conferred multiple times regarding this continuance. (Wagley Decl. at ¶¶ 9-11.) The parties have agreed upon a new trial date in September 2022 (based upon the Court's availability). (*Id.* at ¶ 11.) Furthermore, the parties have discussed initial Pretrial Motions, including the Defendant's forthcoming motion(s) to suppress and a potential motion to dismiss. (*See id.* at ¶ 10.) As these issues may be dispositive and litigated at this juncture of the case, the parties propose the following briefing schedule and hearing date:

Item	Date / Time
Initial Pretrial Motions Due	February 25, 2022
Responses to Pretrial Motions Due	March 11, 2022
Replies in Support of Pretrial Motions Due	March 17, 2022
Hearing Date	March 21, 2022 at 8:30 am

This case is currently less than ten months old. As indicated above, based upon recent developments (ongoing discovery productions and the Superseding Indictment), the defense needs more time to prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Counsel has been diligently preparing for trial and this

request is accompanied by an executed Wavier of Speedy Trial. (*See* Wagley Decl. at ¶ 12.) Moreover, the Government is in agreement with this continuance request and the resolution of initial Pretrial Motions as discussed above. (*See id.* at ¶¶ 10-11.) As such, good cause exists to grant this continuance request.

CONCLUSION

Based upon the foregoing reasons, the Defendant respectfully requests the Court grant this Unopposed Motion to Continue and Set Initial Pretrial Motions Briefing Schedule. Dr. Ilg respectfully requests a new trial date in September 2022, the continuance of all pretrial deadlines to correspond therewith, and the initial Pretrial Motions briefing schedule and hearing date proposed above.

RESPECTFULLY SUBMITTED this 4th day of February, 2022.

ETTER, McMAHON, LAMBERSON,
VAN WERT & ORESKOVICH, P.C.

By: /s/ Andrew M. Wagley
Carl J. Oreskovich, WSBA #12779
Andrew M. Wagley, WSBA #50007
Attorneys for Defendant Ronald Craig Ilg

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2022, I electronically filed the forgoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the attorneys of record in this matter.

EXECUTED in Spokane, Washington on February 4, 2022.

By: /s/ Jodi Dineen
Jodi Dineen, Paralegal